Applicant : Steven Blumenau et al.
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Attorney's Docket No.: 07072-922001 / EMC 99-001

REMARKS

Claim amendments

Applicant notes that the claims recite "a data storage" rather than a "data storage system." Applicant proposes amendments to correct this omission. Additional amendments correct minor punctuation errors and syntactic ambiguities.

In addition, the remarks contained in the office action suggest possible confusion between "at least one backup storage device" and "at least one storage device" as used in the claims. Accordingly, Applicant changes all references to "at least one storage device" into "at least one *primary* storage device," thereby clarifying this distinction.

Section 102(e) rejection

As best understood, the Examiner considers the volume access table ("VAT") **80** of *Blumenau* to correspond to claim 1's "first database." Claim 1's "second database," in the Examiner's view, appears to be the backup copy of the VAT **80**.

For this correspondence to be consistent with the pending claim, it must follow that the backup copy and the original copy of the VAT **80** contain different data. In particular:

- the original copy of the VAT must identify which hosts have access to the *primary* storage device,[1] and

- the backup copy of the VAT must identify which hosts have access to the *backup* storage device.[2]

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[1] Amended claim 1 recites "a first database including first configuration data for identifying which of a plurality of hosts coupled to the data storage system have authorized access to each of the plurality of volumes of the at least one primary storage device."

[2] Amended claim 1 further recites "a second database including second configuration data for identifying which of the plurality of hosts coupled to the data storage system have access to the at least one backup storage device."

However, *Blumenau* teaches that the backup copy of the VAT **80** is *identical* to the original copy of the VAT.[3] Thus, *Blumenau* teaches two copies of the *same* database. This is patentably distinct from two *different* databases, as recited in claim 1.

In contrast, Applicant's specification teaches that "ECVMD **28** is independent from VCMD and uniquely associated with bridge adaptor **20**."[4] Moreover, "[I]nformation in the EVCMD **28**…is periodically updated as the configuration of the network **14** changes."[5]

It is apparent that *Blumenau* fails to teach or suggest every limitation of claim 1. Accordingly, Applicant requests reconsideration and withdrawal of the section 102 rejection of claim 1 and all claims dependent thereon.

With regard to claim 9, the Examiner draws attention to column 5, lines 22-30 and to column 7, lines 20-30. The Examiner appears to be suggesting that both these passages teach the claimed "receiving" step.

The first passage (column 5, lines 22-30) describes FIG. 1 and teaches the existence of disks that can be used for storing both primary copies of data and backup copies of data. There is no express teaching in this passage that a *host* (as opposed to another processing element) requests the backup data.

The second passage merely states that the network can include processors that buffer data to archival tape. Again, the mere fact that data is archived on tape does not mean that the *hosts* explicitly ask for that data. The Examiner appears to be filling in this gap in the teaching of

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[3] *Blumenau*, col. 18, lines 34-37 ("In step 167, the volume access table and volume list are copied to a storage volume as back-up for port adaptor error recovery or diagnostic purposes"); col. 29, lines 43-47 ("A primary copy of the configuration information for the volumes accessible to a host is kept in the storage system and on the host. The host should be able to access the primary copy on the storage subsystem if a host's local copy is not available.")
[4] *Applicant's specification*, page 11, lines 24-25.
[5] *Applicant's specification*, page 11, lines 26-28.

Blumenau by assuming that if backup data exists, it inevitably follows that a *host* must at some point ask for it.

Since *Blumenau* fails to teach every limitation of claim 9, Applicant requests reconsideration and withdrawal of the section 102 rejection of claim 9 and all claims dependent thereon.

A check is enclosed for a one-month extension. No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050

Respectfully submitted,

Date: _Oct 7, 2003_____

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